

**Bills Committee on
Property Management Services Bill**

**List of follow-up actions arising from the discussion
at the meeting on 12 January 2015**

1. There was a view that the Administration should consider ways to shorten the "window period" between the enactment of the Property Management Services Bill ("the Bill") and the passage of the proposed amendments to the Building Management Ordinance (Cap. 344), which was now subject to public consultation, in order to avoid circumvention of the "self-management" exceptions provided in Clause 7 of the Bill. The Administration agreed to consider ways to address the concern and revert to the Bills Committee.
2. Regarding the concern raised by some members about the management standard of "self-managed" buildings/estates which comprised a large number of property units, the Administration undertook to explore feasible options to address the concern and revert to the Bills Committee.
3. Some members raised concern that a property management company ("PMC") might, under pressure from the owners' corporation ("OC"), commit acts which constituted offences or non-compliance with the codes of conduct to be issued by the Property Management Services Authority ("PMSA"). There was a suggestion that a mechanism should be put in place for a PMC to report any decisions/acts of the OC which might affect the PMC's compliance with the relevant statutory requirements, e.g. PMC's presentation of report at OC's annual general meeting or reporting to the relevant authorities. The Administration was requested to respond to this suggestion.
4. Taking into account the number of items of subsidiary legislation to be introduced, their complexity, importance and controversy as well as far-reaching implications involved, some members were concerned whether the Legislative Council Members would be able to complete the scrutiny of the subsidiary legislation within the tight timeframe under the negative vetting procedure provided by section 34 of the Interpretation and General Clauses Ordinance (Cap. 1). There was a suggestion that the draft subsidiary legislation relating to the Bill should be made available to the relevant Panel as early as possible for consideration/detailed examination by the Panel or a Subcommittee formed for the purpose before its gazettal. The Administration was requested to consider and respond to the above suggestion.

5. Regarding Clause 4(d) of the Bill, members noted the Administration's undertaking to consider expanding its scope to include non-compliance with the requirements under Clause 21(2)(a), (b), (c) or (d) and 24(1)(b)(ii) or (iii). The Administration was requested to also consider expanding the scope of Clause 4(d) to include failure to comply with the requirements under Clause 36(1)(b)(i), (ii) or (iii).

6. The Legal Adviser to the Bills Committee pointed out that, as presently drafted, PMSA's power to issue codes of conduct under Clause 5(1) was limited to specifying matters relevant to the question of misconduct or neglect in a professional respect under Clause 4(a). In his view, if such codes of conduct were also intended to deal with other matters such as offences that might bring the profession into disrepute (Clause 4(e)(i)) or licensee's duties (e.g. with regard to accounting matters) (Clause 16), consideration should be given to expanding the scope of Clause 5(1) and amending the heading of Clause 5. He further pointed out that the Bill as presently drafted contained no provision empowering PMSA to issue codes of practice. The Administration was requested to (a) consider and provide a written response to the above comments raised by the Legal Adviser to the Bills Committee; and (b) provide more detailed information on the content and coverage of the codes of conduct intended to be published under Clause 5.